

From: Fred Delibero <fred@griffinriley.com>
Sent: Tuesday, December 8, 2020 2:17 PM
To: Hector Soto
Cc: Mark Dunning
Subject: Application #PL-2020-240 - Rezoning from AG to RLL - Pine Tree Estates

***** This email is from an external source, use caution before clicking on links or opening attachments. *****

Hector,

Please distribute a copy of this letter to each of the Planning Commissioners. Thank you

Fred

December 8, 2020

Members of the Planning Commission,

Hello! I am writing today about Application #PL2020-240. Rezoning from AG to RLL – Pine Tree Estates. As a concerned citizen and representative of Summit Homes, the largest property owner to the immediate south of the proposed rezoning, many aspects of this proposed rezoning are troubling and deserve your attention. They are:

1. The Applicant has requested a rezoning from AG to RLL (Residential Large Lot) in the absence of a Preliminary Development Plan. While the Planning Commissioners have the right to review and approve any subsequent Development Plan for this site, it seems as if the Applicant is seeking to put the cart before the horse in asking for a rezoning without detailing the plans for the ground.
2. I believe the request to rezone the property to RLL is an inappropriate action to avoid those additional requirements that come with an R-1 zoning. During the October 22, 2020 Planning Commission meeting, we learned that the Applicant intends to submit a plat in the future that contains mostly ½ acre lots. Given the existing development to the south and west is entirely R-1 and contains some larger lots as well, it seems only appropriate that the homeowners in those two communities expect the same level of standards be applied to this new development. The majority of the proposed lots are accessed through North Park, a planned R-1 community with a defined set of requirements governing the size of structures and the architectural style. Many of these lots, as anticipated based on the Applicant's own testimony during the October 22, 2020 PC meeting, will front into cul-de-sac's within North Park Village.
3. During the October 22, 2020 Planning Commission meeting, concerns were expressed by commissioners about the lack of control over the size and type of buildings allowed inherent in the RLL zoning classification. Neighbors backing to this community or adjacent to this community in R1 zoning neighborhoods deserve to understand what will be built on the proposed ground should the RLL zoning be approved. What assurances are there that the values of said structures are at least as good, if not better, than theirs? What prevents a buyer of this property or one of the lots on it from simply building an 800 square foot ranch or even

just a storage barn or garage? Given the lack of information homeowner's can only assume that their property values are under attack.

4. During the meeting, the Applicant was requested to include a set of deed restrictions defining the size and architectural style for each home. The Applicant instead chose to respond to that request with a two paragraph memo to the Commission detailing their "vast" experience in development and asking you to trust their judgement in approving homes and structures. Obviously, the Applicant having the sole discretion in both subjective and potentially self-serving. I'd ask that the Commission require a specific and defined set of requirements before approving any application to change the zoning on this property.
5. The Applicant has on many occasions, including at numerous City Council meetings, publicly criticized the design and capacity of the adjacent detention area designed to serve North Park Village, despite the fact that a number of qualified engineers approved it for its intended use, and City Staff accepted the completed work. Now the Applicant is asking to utilize that same detention area to handle the additional capacity presented by the development of a number of homes on his ground and yet, to the best of my knowledge, the Applicant has provided no professional engineering study confirming there is adequate detention for the planned site. Of course, in the absence of a Development Plan, it would be impossible for anyone to determine that.
6. The Applicant, at the October 22, 2020 Planning Commission meeting, indicated that the Preliminary Development Plan was two weeks away and the Planning Commission decided to table the application to a future date to allow the Applicant to submit a more complete package including a PDP. In my review of the materials posted on line for Thursday's meeting, I do not see where the Applicant has satisfied the request of the Planning Commission.
7. On the whole, it appears the Applicant has not adequately responded to the requirements set forth by the Planning Commission on October 22, 2020 in order for the Commission to further consider the application.

Commissioners, in summary, I ask that you protect the values and integrity of the surrounding communities by requiring a complete Development Plan accompanying the Rezoning Request; that you require an independent assessment from a qualified engineer as to the suitability of the current detention area for the proposed development; and that you require the Applicant to either apply for rezoning under the R1 standard or require submission of a development plan to accompany the request for rezoning together with a set of recordable deed restrictions setting forth the that each lot must have a home constructed on it with a minimum size no less than the adjoining neighborhoods and utilizing materials substantially similar to the materials used in the adjoining neighborhoods, or better. I, on behalf of Summit Homes and the homeowners in North Park Village, ask that you vote against this project as presented.

Thanks to each of you for giving our concerns about the Applicant's submission thoughtful consideration and for protecting the interest of the surrounding neighbors and the community at large, not just the interest of the Applicant.

Regards,

Fred Delibero
Summit Homes
816/679-1330